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JPMORGAN CHASE BANK, N.A.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

v.

KB HOME *et al.*,

Defendant.

AND ALL RELATED ACTIONS

2:08-CV-01711-PMP-RJJ
BASE FILE

**1st JOINT INTERIM DISCOVERY
STATUS REPORT**

Related Cases:

2:08-CV-01709-PMP-RJJ
2:08-CV-01713-PMP-RJJ
2:08-CV-01714-PMP-RJJ
2:08-CV-01715-PMP-RJJ
2:08-CV-01716-PMP-RJJ
2:08-CV-01717-PMP-RJJ

2:09-CV-01154-PMP-RJJ
2:09-CV-01547-PMP-RJJ
2:09-CV-01548-PMP-RJJ
2:09-CV-01549-PMP-RJJ
2:09-CV-01550-PMP-RJJ
2:09-CV-01551-PMP-RJJ
2:09-CV-01552-PMP-RJJ

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Pursuant to the Court's October 9, 2009 Order concerning interim discovery status reports (Doc. # 147), the parties report as follows:

1. DISCOVERY COMPLETED TO DATE

A. Document Requests

1. On August 4, 2009, Plaintiff JPMorgan Chase Bank, N.A. ("JPMorgan") served its First Request for the Production of Documents.

2. On September 14, 2009, defendants Pardee Homes of Nevada and Weyerhaeuser Real Estate Company (collectively "Pardee"); Toll Brothers, Inc. and Coleman-Toll Limited Partnership (collectively "Toll"); KB Home and KB Home Nevada Inc. (collectively "KB"); Meritage Homes Corp. and Meritage Homes of Nevada, Inc. (collectively "Meritage"); and Beazer Homes USA, Inc. and Beazer Homes Holdings Corp. (collectively "Beazer", together with Pardee, Toll, KB, and Meritage, the "Builder Defendants") served their 1st Joint Request for the Production of Documents.

B. Responses to Document Requests and Document Productions

1. On September 11, 2009, each of the Builder Defendants responded and objected to JPMorgan's document requests. In addition, the following defendants have produced documents in partial response to JPMorgan's requests as follows:

- a. On September 25 and October 5, 2009, defendant Focus South Group, LLC produced just under 40,000 pages of documents;
- b. On October 7, 2009, KB produced just over 4,500 pages of documents;
- c. On October 8, 2009, Meritage produced just over 4,000 pages of documents;
- d. On October 9, 2009, Beazer produced just over 10,000 pages of documents;
- e. On October 26, 2009, Pardee produced just under 2,500 pages of documents;

1 f. On October 29, 2009, Toll produced over 11,000 pages of
2 documents.

3 2. On October 19, 2009, JPMorgan responded and objected to the Builder
4 Defendants' requests and also produced 10,897 pages of documents in partial response to those
5 requests.

6 II. **DISCOVERY THAT REMAINS OUTSTANDING**

7 A. Document Requests

8 1. The parties are still in the process of conferring in connection with a
9 number of discovery disputes concerning a limited number of document requests both in the first
10 set served to the Builder Defendants by JPMorgan and in the first set served to JPMorgan by the
11 Builder Defendants.

12 2. On October 28, 2009, the Builder Defendants served their first requests for
13 production of documents to defendant and third-party defendant Focus South Group LLC.

14 B. Other Written Discovery

15 1. On October 12, 2009, JPMorgan served its first set of interrogatories. The
16 Builder Defendants' responses to JPMorgan's 1st Set of Interrogatories are due November 16,
17 2009.

18 C. Discovery of Electronically Stored Information

19 1. After several meet and confer sessions throughout the month of October,
20 the parties are in the process of finalizing and memorializing their agreement for the review of
21 electronically stored information.

22 D. Depositions

23 1. On October 28, the Builder Defendants served a notice of 30(b)(6)
24 Deposition of JPMorgan.

25 E. Third Party Discovery

26 1. On October 28, the Builder Defendants served notices regarding the
27 issuance of subpoenas to (1) George Larry Engel, (2) White & Case LLP, (3) Morrison Foerster,
28 LLP and (4) Sidley Austin, LLP.

III. PENDING DISCOVERY MOTIONS

Currently, there are no pending discovery motions.

IV. SETTLEMENT DETAILS

Prior to litigation, the parties, through counsel, engaged financial consultants to assist in loan workout negotiations. Although those negotiations failed, and this litigation ensued, the parties continue to discuss and consider potential workout scenarios with the aid of their consultants.

Dated: October 30, 2009

Respectfully submitted,

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